

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Milton I. Shadur	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	01 C 9098	DATE	1/17/2002
CASE TITLE	Richard Tevlin vs. Metropolitan Water Reclamation		

[In the following box (a) indicate the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature of the motion being presented.]

MOTION:

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DOCKET ENTRY:

(1)	<input type="checkbox"/>	Filed motion of [use listing in "Motion" box above.]
(2)	<input type="checkbox"/>	Brief in support of motion due _____.
(3)	<input type="checkbox"/>	Answer brief to motion due _____. Reply to answer brief due _____.
(4)	<input type="checkbox"/>	Ruling/Hearing on _____ set for _____ at _____.
(5)	<input type="checkbox"/>	Status hearing[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(6)	<input type="checkbox"/>	Pretrial conference[held/continued to] [set for/re-set for] on _____ set for _____ at _____.
(7)	<input type="checkbox"/>	Trial[set for/re-set for] on _____ at _____.
(8)	<input type="checkbox"/>	[Bench/Jury trial] [Hearing] held/continued to _____ at _____.
(9)	<input type="checkbox"/>	This case is dismissed [with/without] prejudice and without costs[by/agreement/pursuant to] <input type="checkbox"/> FRCP4(m) <input type="checkbox"/> General Rule 21 <input type="checkbox"/> FRCP41(a)(1) <input type="checkbox"/> FRCP41(a)(2).
(10)	<input checked="" type="checkbox"/>	[Other docket entry] Enter Memorandum Order. Accordingly Answer ¶ 2 is stricken, but with leave to file an amendment to the Answer on or before January 25, 2002 that conforms to Rule 8(b).
(11)	<input checked="" type="checkbox"/>	[For further detail see order attached to the original minute order.]

<input type="checkbox"/>	No notices required, advised in open court.	<div style="text-align: center;"> U.S. DISTRICT COURT CLERK 02 JAN 17 PM 4:37 FILED 10 </div>	number of notices	<div style="text-align: center;"> JAN 18 2002 date docketed cm docketing deputy initials 1/17/2002 date mailed notice SN mailing deputy initials </div>	Document Number
<input type="checkbox"/>	No notices required.				
<input checked="" type="checkbox"/>	Notices mailed by judge's staff.				
<input type="checkbox"/>	Notified counsel by telephone.				
<input type="checkbox"/>	Docketing to mail notices.				
<input type="checkbox"/>	Mail AO 450 form.				
<input type="checkbox"/>	Copy to judge/magistrate judge.				
<div style="display: flex; justify-content: space-between;"> <div>SN</div> <div>courtroom deputy's initials</div> </div>					

DOCKETED

JAN 18 2002

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION


RICHARD TEVLIN,)	
)	
Plaintiff,)	
)	
v.)	No. 01 C 9098
)	
METROPOLITAN WATER RECLAMATION)	
DISTRICT OF GREATER CHICAGO,)	
)	
Defendant.)	

MEMORANDUM ORDER

Metropolitan Water Reclamation District of Greater Chicago ("District") has filed its Answer and Affirmative Defenses ("ADs") to the Title VII employment discrimination Complaint brought against it by its employee Richard Tevlin ("Tevlin"). Because some aspects of that responsive pleading are problematic, this memorandum order is issued sua sponte to require District's attorney to cure one deficiency identified here.

On that score, Answer ¶2 fails to conform to the requirement of Fed. R. Civ. P. ("Rule") 8(b) that every allegation ("averment" is the term used in the Rule) by a plaintiff must be answered, as well as failing to conform to the disclaimer spelled out by Rule 8(b)'s second sentence as essential to give a responding party the benefit of a deemed denial--in the latter respect, see App. ¶1 to State Farm Mut. Auto. Ins. Co. v. Riley, 199 F.R.D. 276, 279 (N.D. Ill. 2001). Accordingly Answer ¶2 is stricken, but with leave to file an amendment to the Answer on or before January 25, 2002 that conforms to Rule 8(b).

As for the ADs, App. ¶5 to State Farm explains that Rule 8(c) contemplates a defendant's admission of all of a complaint's allegations for that purpose, coupled with an explanation as to why the defendant is still not liable to the plaintiff (or perhaps, as in the case of comparative negligence or mitigation of damages, may be liable for less than the plaintiff claims). In this instance District's ADs are at odds with that concept to some extent, but because they help focus on District's particularized position in opposition to Tevlin's claim they will be left intact without further amendment.

A handwritten signature in cursive script, reading "Milton I. Shadur".

Milton I. Shadur
Senior United States District Judge

Date: January 17, 2002